



DAC

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

GAC-1972 DIV

First named inventor: HAMILTON, DAVID C.

Application No.: 09/851,819

Art Unit: 3732

Filed: 05/09/2001

Examiner: WILSON, JOHN J.

Title: COMPUTERIZED SYSTEM AND METHOD FOR CORRECTING TOOTH-SIZE DISCREPANCIES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

RECEIVED

APR 26 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Amendment (identify type of reply):

☒ has been filed previously on June 24, 2003

☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____

☐ has been paid previously on _____

04/23/2004 CNGUYEN 00000071 09851819
01 FC:1453 1330.00 DA

04/23/2004 CNGUYEN 00000071 040760 09851819
01 FC:1453 1330.00 DA

Adjustment date: 05/25/2004
04/23/2004 CNGUYEN 00000071 040760 09851819
01 FC:1453 1330.00 CR

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 20 2004
Date


Signature

Telephone
Number: 717-849-4514

James B. Bieber
Typed or printed name

DENTSPLY International Inc.
Address
570 W. College Ave., York, PA 17405
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Statement of Facts

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

4/20/04
Date


Signature

Teresa A. Euculano
Type or printed name of person signing certificate



RECEIVED

APR 26 2004

OFFICE OF PETITIONS

PATENT
CASE: GAC-1972 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION: HAMILTON, DAVID C.

Serial No.: 09/851,819

Art Unit: 3732

Filed: May 9, 2001

Examiner: WILSON, JOHN J.

For: COMPUTERIZED SYSTEM AND METHOD FOR CORRECTING TOOTH-
SIZE DISCREPANCIES

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEE LETTER

Please charge Deposit Account No. 04-0780 the amount of \$1330.00 for the Petition Fee due for submitting the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

Please charge any other fee(s) due on the above captioned patent application, and/or credit any overpayment to Deposit Account No. 04-0780.

This letter is submitted herewith in triplicate.

Respectfully submitted,


James B. Bieber
Patent Attorney, Reg No. 28054

April 20, 2004
Address of signor:

DENTSPLY International Inc.
570 West College Avenue
York, PA 17405-0872
(717) 849-4514



RECEIVED

APR 26 2004

OFFICE OF PETITIONS

PATENT
CASE: GAC-1972 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION: HAMILTON, DAVID C.

Serial No.: 09/851,819

Art Unit: 3732

Filed: May 9, 2001

Examiner: WILSON, JOHN J.

For: COMPUTERIZED SYSTEM AND METHOD FOR CORRECTING TOOTH-
SIZE DISCREPANCIES

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF U.S. PATENT APPLICATION
STATEMENT OF FACTS

Sir,

Applicant herewith petitions for revival of the noted U.S. patent application for which a Notice of Abandonment was mailed 9/23/2003. The Notice, copy attached, stated that applicant had failed to respond to an Office Letter mailed January 24, 2003.

Applicant did in fact, timely reply to the Office Letter mailed January 24, 2003 by filing an Amendment which was received by the United States Patent and Trademark Office on June 24, 2003 as indicated on the U.S. Postal Service postcard returned to us by the U.S.P.T.O., dated stamped June 24, 2003. The reply was complete in all respects.

Applicant herewith includes a complete copy of the response, mailed by Express Mail on June 24, 2003 and received June 24, 2003 by the U.S.P.T.O. since the original was apparently lost. The applicant states that the entire delay, until filing of this Petition was unintentional in all aspects.

Applicant herewith respectfully requests that the Notice of Abandonment be withdrawn and that the present application be revived and that the enclosed Amendment be entered to continue prosecution of the application.

Respectfully submitted,



James B. Bieber
Patent Attorney Reg. No. 28054

April 20, 2004
Address of signor:

DENTSPLY International Inc.
570 West College Avenue
York, PA 17405-0872
(717) 849-4514



RECEIVED

APR 26 2004

OFFICE OF PETITIONS

June 24, 2003
GAC-1972 DI

In re application: David C. Hamilton
For: Computerized System and Method for Correcting Tooth-
Size Discrepancies
S/N: 09/851,819 Filing Date: May 9, 2001

1. Certificate of Mailing (1 page)
2. Extension of Time Request (1 page)
3. Amendment (8 pages)
4. Power of Attorney (1 page)
5. Revocation of Power of Attorney (1 page)



Received and Filed:



ER 057905689 US

Customer Copy
Label 11-B September 2002

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code 17403	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input checked="" type="checkbox"/> Third	Flat Rate Envelope	
Date in Mo. Day Year 6 24 03	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65	
Time in <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM 1:30	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	
Weight lbs. 3.8 ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials HAX	Total Postage & Fees \$ 13.65	

FROM: (PLEASE PRINT) PHONE (717, 849-4551

Legal Department
DENTSPLY International Inc.
570 West College Avenue
York, PA 17404

File: CAC-1972 DIV

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



PRESS HARD. You are making 3 copies.

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.Federal Agency Acct. No. or
Postal Service Acct. No.

☐ **WAIVER OF SIGNATURE (Domestic Only)**
Additional merchandise insurance is void if waiver of signature is requested.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

☐ **NO DELIVERY**
☐ Weekend ☐ Holiday

Customer Signature

TO: (PLEASE PRINT)

PHONE ()

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-14502 2 3 1 3 + 1 4 5 0
ZIP + 4



PATENT
GAC-1972 DIV

CERTIFICATE OF MAILING

By "EXPRESS MAIL" - Label No. ER057905689US

ER057905689US

Date of mailing by EXPRESS MAIL June 24, 2003

Included in this package for Case: GAC-1972 DIV; are a post card, Certificate of Mailing, Extension of Time Request, Amendment, Power of Attorney and Revocation of Power of Attorney.

DENTSPLY INTERNATIONAL INC.
570 West College Avenue
York, Pennsylvania 17404

I hereby certify that this package is being deposited with the United States Postal Service "EXPRESS MAIL Post Office To Addressee" service, under 37 CFR 1.10, on the date indicated above and is addressed to Box PCT - Petition, International Preliminary Examining Authority, US Patent & Trademark Office, Washington, DC 20231.

Teresa A. Euculano
Title: Legal Secretary